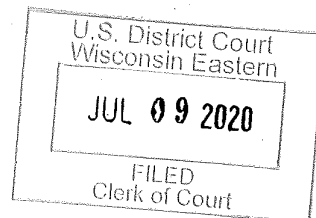


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN



UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 17-CR-160 - WCG
1:16-CR-0064

RONALD VAN DEN HEUVEL

DEFENDANT

RECONSIDERATION MOTION SEEKING

COMPASIONATE RELEASE UNDER § 3582 (c)(1)(A)

Now Comes Defendant, Ronald Van Den Heuvel, Pro Se, to ask this honorable Court to consider this motion for Compassionate Release.

Compassionate Release matters so that courts may account for tragically unforeseeable events, as when illness or a disability renders proper care impossible while a defendant remains incarcerated, or when family tragedy leaves an inmate the sole caretaker for an incapacitated partner or minor children. It matters too, as present circumstances make clear, when public-health calamities threaten inmates with literal death sentences. It matters when no crisis looms, but simply when continued incarceration would be "greater than necessary" to achieve the ends of justice. See e.g., United States v. Maumau, 2020 WL 806121 @ *6 (D. Utah Feb. 2020) (Compassionate Release may be justified if "[defendant] is not suffering from any medical or age-related physical limitations.")

Courts across the country have recognized and exercised the use of Compassionate Release. A "screen shot" of granted motions, looking at only a one week time period, shows the use representing most circuits.

COMPASSIONATE RELEASE GRANTS

The following COVID-19-influenced federal sentence reductions based on using the §3582(c)(1)(A) (Based on The First Step Act expansion), are a good number of examples of federal courts across the country issuing Grants for Compassionate Release.

United States v. Moore, (No. 3:16-CR-00171-JO) (D. Ore. May 21, 2020);
United States v. Stephenson, (No. 3:05-CR-00511) (SD Iowa May 21, 2020);
United States v. Galloway, (No. RDB-10-0775) (ED Mich. May 21, 2020);
United States v. Parker, (No. 2:98-CR-00749) (CD Cal. May 21, 2020);
Loyd v. United States, (No. 15-20394-1) (ED Mich. May 21, 2020);
United States v. Rahim, (No. 16-20433) (ED Mich. May 21, 2020);
United States v. Readus, (No. 16-20827-1) (ED Mich. May 21, 2020);
United States v. Vence-Small, (No. 3:18-CR-00031(JAM)) (D Conn. May 21, 2020);
United States v. Pippin, (No. CR16-0266) (WD Wash. May 20, 2020);
United States v. Schneider, (No. 14-CR-30036) (CD Ill. May 20, 2020);
United States v. Doshi, (No. 13-CR-20349) (ED Mich. May 20, 2020);
United States v. White, (No. 13-CR-20653-1) (ED Mich. May 20, 2020);
United States v. Hill, (No. 3-19-CR-00038 (JAM)) (D Conn. May 19, 2020);
United States v. Dorsey, (No. CR16-0138-BLW-JCC) (WD Wash. May 19, 2020);
United States v. Sarkisyan, (No. 15-CR-00234-CRB-15) (ND Cal. May 19, 2020);
United States v. Bright, (No. 2:15CR00015-005) (WD Va. May 19, 2020);
United States v. El-Hanafi, (No. 10-CR-162(KMW)) (SDNY May 19, 2020);
United States v. Copeland, (No. 02-CR-01120 (FB)) (EDNY May 19, 2020);
United States v. Bischoff, (No. 17-CR-196-JD) (D N.H. May 18, 2020);
United States v. Anderson, (No. 15-CR-30015) (CD Ill. May 18, 2020);
United States v. Roundtree, (No. 1:12-CR-0308 (LEK)) (NDNY May 18, 2020);
United States v. Cotinola, (No. 13-CR-03890-MV) (D N.M. May 18, 2020);
United States v. Bennett, (No. 05-CR-1192-1 (NRB)) (SDNY May 18, 2020);
United States v. Agomuah, (No. 16-20196) (ED Mich. May 18, 2020);
United States v. Schafer, (No. 6:18-CR-06152 EAW) (WDNY May 18, 2020);
United States v. Johnson, (No. 15-CR-125 (KBJ)) (D DC May 16, 2020); and
United States v. Arreola-Bretado, (No. 3:19-CR-034-BTM) (SD Cal May 15, 2020).
United States v. Rainone - See attached (Ex E)

The above grants of Compassionate Release were from only a one week period of time in the middle/late part of May. There have been hundreds of other wins both before and after the above listing.

The recognized use and granting of hundreds of cases establishes the "extraordinary and compelling" circumstances that is COVID-19.

DANGERS OF COVID-19

The dangers of COVID-19 have well been established in the United States, with more than 130,000 dead american and over 500,000 deaths world-wide. Many individuals that were in good health and not suffering with High-Risk issues as, Mr. Van Den Heuvel does, have recently died (See Attached A - "50 year old former prep soccer star dies of COVID-19 and did not get tested"). FPC-Duluth, where defendant is housed, continues to Not test any current inmates other than those that are being transferred into the facility.

On June 18, 2020, FPC-Duluth Warden Birkholz confirmed the first case of COVID-19 was "on the compound". Within three days that increased by 400%. As of July 2, 2020, 28 inmates are waiting on test results to confirm their "COVID-19" at FPC-Duluth (Ex B). History of other BOP facilities show the exposure rate travels at an alarming rate. (Ex C - Rate of Rise due to Exposure at BOP facilities)

THIS COURT RECOGNIZES THE DANGERS

This court on Document #161, Page 10 of 13, filed 5/18/2020 states:

"The United States does not dispute that the defendant is 66 and has medical conditions that make him vulnerable to life threatening complications if he were to become infected with the COVID-19 virus."

Additionally, this court was made aware that defendant is a "Level Three (3)" Chronic Care inmate and is housed at a "Care Level Two (2)" facility. FPC-Duluth has been unable to treat or care for defendant's ~~-On-Set-Auto-Immune~~ Type One (1) Diabetes. Defendant has dropped from 269 lbs to 204 lbs by taking on exercise but continues to suffer from insufficient insuline (daily). (It should be noted that BOP policy does not allow a Care Level Three inmate to be at a Care Level Two facility to "exceed four months"). Mr. Van Den Heuvel has been at FPC-Duluth since April of 2019 (15 months).

In relation to consideration of 3553 factors:

POINTS TO CONSIDER

- "Short Sentences Adequate in White Collar Cases for General Deterrence"
(USSC)

U.S. v. Libby, (2007), Libby was convicted of perjury and obstruction of justice and received a 30-month sentence, President Bush commutes the prison sentence to 0 months because 30 months was "excessive" and because the conviction itself is "harsh punishment" where "the reputation he gained through his years of public service and professional work in the legal community is forever damaged[,] his wife and young children have also suffered immensely, [where], he will remain on probation [and where] the consequences of his felony conviction on his former life as a lawyer, public servant and private citizen will be long-lasting."

U.S. v. Clark, 434 F.3d 684, 687 (4th Cir. 2006) WL 3342578 (E.D. Wis. Nov. 9, 2007)
In a money-laundering case where guidelines were 57 - 77 months, Clark received a sentence of one year and one day imposed in part because "defendant has been significantly punished by the monetary forfeitures imposed in this case. He paid a heavy financial price, which at least satisfied the need for punishment."

U.S. v. Whitehead, 532 F.3d 991 (9th Cir. 2008). Mr. Whitehead was convicted of supplying counterfeit access cards causing loss of millions of dollars allowing customers free access to digital T.V. and where guidelines 41-51 months, court's sentence of probation with "substantial amount of community service" - 1000 hours - is not abuse of discretion where "the court heard from Whitehead and his father, who told the court how he had repented from his crime and how he had, since his conviction, devoted himself to "building an honorable life"; how his eight year-old daughter depended on him; and how he doted on her.

U.S. v. Tomko, 562 F.3d 558 (3d Cir. 2009) The court found at the hearing en banc, the district court did not abuse its discretion in sentencing defendant to probation with a year of home detention, community service and fine for tax evasion, rather than a term of imprisonment; although sentence was below sentencing guidelines range of 12 to 18 months given defendant's negligible criminal history, employment record, community ties, and extensive charitable works.

Gall v. U.S. 552 U.S. 38 (2007), "Probation or supervised release with conditions is an onerous punishment and can be sufficient." Although "custodial sentences are qualitatively more than severe than probationary sentences of equivalent terms, offenders are nonetheless subject to several standard conditions that substantially restrict their liberty." "These restrictions are often the best sentence to impose."

U.S. v. Edwards 595 F.3d 1004 (9th Cir.2010), Defendant was convicted of bankruptcy fraud and on probation for prior state convictions for fraud and where guidelines range 27-33 months. Defendant received a sentence of probation for seven months.

U.S. v. Pickett, 475 F.3d 1347 (D.C. Cir. 2007), "A sentencing judge cannot simply presume that a Guidelines sentence is the correct sentence. To do so would be to take a large step in the direction of returning to the pre-Booker regime."; U.S. v. McBride 434 F.3d 470 (6th Cir 2006), "While the Guidelines remain important, they are now just one of the numerous factors that a district court must consider when sentencing a defendant."; U.S.v. Winters, 416 F.3d 856,860-61 (8th Cir. 2005). "[T]he Guidelines range is merely one factor," and any possible sentencing disparity resulting from an outside-Guidelines sentence

must not be isolated "to the exclusion of all the other § 3553(a) factors."; U.S. v. Webb, 403 F.3d 373,385 n.9 (6th Cir 2005); "[W]hile we decline to indicate what weight the district courts must give the appropriate Guideline range, or any other Section 3553(a) factor, we also decline to hold that a sentence within a proper Guidelines range is per-se reasonable. Such a per-se test...would effectively re-institute mandatory adherence to the Guidelines." Punishment should not be more severe than that necessary to satisfy the goals of punishment." U.S. v. Carvajal, 2005 WL 476125 (S.D.N.Y. Feb. 22, 2005).

In reading United States v. Whitehead the court, in lieu of issuing incarceration, a sentence of up to 51 months, the court instead issued a "substantial amount of community service". With that it should be noted defendant has an extensive history

with: - Greater Green Bay Community Foundation

- Cerybal Palsey (Theropudic pools)
- March of Dimes - Prenatal Care for moms
- Adopt-a-highway clean ups & adopt a park
- The Boys and Girls Club of Green Bay and Savannah
- Syble Hopp School - 3 to 21 year old kids who are handicapped
- Cystic Fibrosis Awareness & Research
- NICU Units for premature babies
- Green Bay Hospitals - Bellin-St. Mary & St. Vincent
- Care for all ages assisted living day cares
- Autism Centers - Savannah - Brown County
- Band of Brother's pantry - Pauls Pantry
- Wisconsin's Children's Hospital (Milwaukee)
- D.A.R.E.- Drug Awareness Recovery Efforts
- Raw Hide Ranch for boys - Vocational
- Glenwood School for boys (Chicago)

- Chatholic Children's Charties
- The Bishop's Annual
- 100's of paper and plastic Clean up Drives
- 40 years of working with Foster Care Really Matters

This extensive history of helping others is being presented to this Court Not to impress but to document what is commonly known outside of this court and impress upon this court the defendant's desire, as proven by his history, to help others.

FPC-DULUTH STATUS

As previously stated, FPC-Duluth does have COVID-19 virus on the compound. The BOP has contained all confirmed cases in a building known as #207. This building is released for meals, phone access and emails 40 minutes before defendant's building (#208). All inmates from #208 follow behind those from #207. They use the same tables, chairs, phones, key boards and same facilities as the infected inmates. Additionally, the inmates who work in recycling, from buildings #208, 210 & 211, has confirmed they take all excess food and other materials from staff housing and all P.P.E. from Medical, they then gather, compact and sort the items with no special clothing or protective gear. They then report back to the buildings they are housed in. It is not a matter of if this virus will be exposed to Mr. Van Den Heuvel, it is only a matter of when.

AMERICAN DIABETES ASSOCIATION

The American Diabetes Association reports:

"Because people with diabetes face a significant and higher-than average risk of getting SERIOUSLY ILL infected with the COVID-19 virus, up to and including the risk of death, criminal and civil detention facilities (prisons, jails, juvenile facilities, immigration detention centers, psychiatric institutions, etc) should take aggressive steps to protect both the health of these individuals and larger public health interestes in our communities. Local officials should explore all possible strategies to release people with diabetes and other serious risk factors to COVID-19... ...compassionate release....or early release for those most vul-

nerable to the virus are among options to be considered."
(Ex D)

MR VAN DEN HEUVEL RUNS A HIGH RISK OF SERIOUS ILLNESS OR DEATH IF HE CONTACTS COVID-19

The Center for Disease Control, American Diabetes Association and other medical authorities have made clear COVID-19 is especially dangerous for people with severe chronic medical conditions. Publishing that an "individual over 65 with High-Risk factors is 58 times more likely to die from COVID-19 than one who does not have those same risk factors." Mr. Van Den Heuvel's auto-immune-type-one diabetes is uncontrollable and is the "highest" of High-Risk factors.

Preventative self-care, such as social distancing, is impossible due to overcrowding, unsanitary conditions, shortages of personal protective equipment (not to mention soap) and restrictions on hygiene products such as hand sanitizer (FPC-Duluth has been sold out of hand sanitizer for 10 weeks) have turned detention facilities into a playground for the virus and a death trap for inmates. Because of Mr. Van Den Heuvel's age and pre-existing conditions he is at a much higher risk for complications. And the threat extends far beyond the facility as Mr. Van Den Heuvel is a "sponge" for this virus and effectively is endangering the other inmates, staff, the families and communities that surround prison on guard, nurses and numerous others.

"Currently, the nation's top five COVID-19 hot spots are all correctional facilities, according to data collected by The Times. The number of infected inmates and workers has topped 70,000 - the count doubled between mid-May and mid-June - and there have been at least 627 virus-related deaths. Even these numbers are presumed to be an undercount since testing remains inadequate and uneven." (The New York Times - June 26, 2020) FPC-Duluth continues to Not test any inmates other than those coming into the facility.

CUMULATIVE AFFECT OF ALL THINGS CONSIDERED

"Courts across the country have listened to the opinions of medical and legal experts and released inmates to serve the remainder of their sentence of imprisonment within the four walls of their homes." United States v Zuckerman, 1:16-CR-194 No 119 (SDNY Apr 3, 2020) Sentence modified to time served with the remaining portion of the original term to be served as supervised release with the condition the defendant be subject to home incarceration without electronic monitoring (US V Atwi, No 4:18-CR-20607).

Mr. Van Den Heuvel prays this court will consider the totality of all included here within. He prays this court will look at the cumulative affects of all things considered including the extensive cost savings and benefit to both the government and community at large - should the court, as in US v Whitehead (Page 4, where the court ordered a "substantial amount of community service") allow his sentence be modified to time served with an imposed term of supervised release and community service.

The government has already conceded, in a prior response, that COVID-19 poses "a deadly risk" and this court is aware. Mr. Van Den Heuvel continues at a improper care level facility and the infection rate at FPC-Dulth shows no sign of slowing down.

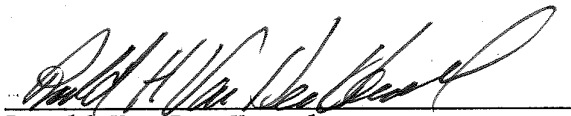
Defendant prays this court will "use him" to be a positive model, to help others, to better the community and not just continue to be a "tax drain" on society.

PRAYER OF RELIEF

Mr. Van Den Heuvel asks this court to reduce his sentence to time-served and impose a term of supervised release equal to the unserved portion of his previous term of imprisonment, with a special condition that he remain confined to home confinement and / or ordered to serve community service, if the court so desires.

CERTIFICATION

I certify pursuant to 28 U.S.C. § 1747 that the foregoing is true and correct to the best of my knowledge and belief.


Ronald Van Den Heuvel

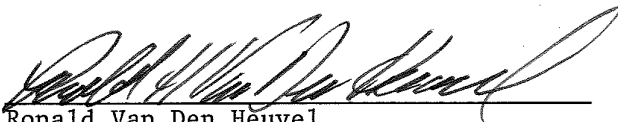
7-4-2020
Date

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of this pleading entitled: "Reconsideration Motion Seeking Compassionate Release Under § 3582 (c)(1)(A)," upon the below-named parties by placing the same in the outgoing US Mail, with proper postage affixed thereto, at the Duluth Federal Prison Camp, P.O. Box 1000, Duluth, MN, 55814, on this 4th day of July, 2020, in reliance upon the Mail Box Rule as cited in Houston v. Lack, 108 S. CT. 2379 (1988), for filing with the court.

To: Clerk of the Court
125 S. Jefferson St
Green Bay, WI
54301-2490

*** Clerk of the Court - PLEASE ECF TO US ATTORNEY'S OFFICE as defendant is currently in a federal lock-down due to COVID-19, and is without copier availability or access to law-library. (Thank you)


Ronald Van Den Heuvel
#15653-089
Federal Prison Camp
P.O. Box 1000
Duluth, MN
55814

TOP NEWS

CS*T

TOP NEWS *

Former prep soccer star who died at 50 believed he had COVID-19, didn't get tested, family says

BY KEVIN SCHMIT
Daily Herald

For most of his 50 years, Ken Snow was the picture of health.

In fact, as a soccer legend at Hoffman Estates High School and Indiana University, he was an entire gallery of health.

But something didn't feel right the last few months. The lingering cold symptoms, especially the cough that wouldn't go away, concerned him.

Unfortunately, Snow declined to see a doctor, according to his sister, Stephanie Snow. The fear of being diagnosed with COVID-19 and being put on a ventilator kept him from being tested, she said.

Ken Snow, who was living in Fishers, Indiana, tried to properly distance himself from friends and family, especially his three children. He was visiting his children in Port Huron, Michigan — staying in a hotel instead of the family house — when he died Sunday in his hotel room. An autopsy is pending, but the family believes the cause of death will be deemed COVID-19.

"He would still go jogging and stuff, but he had a cough and just didn't feel well," Stephanie Snow said. "Me and my dad kept telling him to go to the doctor, but he said he didn't want to go in because he thought he had COVID."

"He was just all about his kids, that's what he cared about most. He didn't want to see the kids until he was better, but then he just died."

Ken Snow scored 128 goals at Hoffman Estates and added 84 goals at Indiana while twice being named national college soccer player of the year. Four times Snow was named an All-American, and the Hoosiers led by Snow won the 1988 NCAA title.

He operated the Ken Snow Goalscoring Camp. He was planning camps this summer throughout the Midwest before the pandemic struck and forced them to be canceled.

While several notable athletes have contracted COVID-19, few have died from it. According to the Illinois Department of Public Health, of the 6,770 COVID-19 deaths reported in Illinois through Wednesday, fewer than 1,000 have occurred in patients younger than 60 years old. Nearly 70% of deaths have been



Ken Snow was a soccer legend at west suburban Hoffman Estates High School and Indiana University.

DAILY HERALD PHOTO

among patients age 70 and older.

Dr. Phillip Cozzi, the medical director of critical care at Elmhurst Memorial Hospital, believes Snow's death serves as a reminder for everyone to be vigilant in the fight against COVID-19.

"One person might be able to fight off the virus efficiently, and another individual can't fight off the virus at all," Cozzi said. "It's a wake-up call to the world that anybody might be susceptible. It's a testimony of how severe the infection can be."

Snow is survived by his three children, Ashley, Matthew and Lauren; his sister Stephanie and brother Steve, who was also a standout soccer player at Hoffman Estates; his father, Ken; and several nieces and nephews. His mother, Suzanne, died in 2014.

Stephanie Snow said her brother loved watching his daughter Lauren play soccer at Youngstown State University. Among Matthew Snow's fondest memories was a simple beer he'd occasionally enjoy with his dad.

A visitation is 1 to 4 p.m. Sunday at Smith Family Funeral Home in Port Huron. Stephanie Snow said a bigger memorial is being planned in Carmel, Indiana, at Roselli's Pizzeria, which is owned by Steve Snow.

"I still can't believe it," Stephanie said. "He was healthy. He was always working out. It's just a shock to all of us."

For more suburban news, turn to the Daily Herald at dailyherald.com

| Facility Name | No. of Inmates with Completed Tests | No. of Inmates with Pending Tests | No. of Inmates with Positive Tests |
|--------------------------------------|---|---|--|
| CORRECTIONAL ALTERNATIVES INC. (RRC) | 4 | 0 | 2 |
| CROSSPOINT SAN ANTONIO (RRC) | 2 | 2 | 2 |
| CSC-DISMAS CHARITIES INC (RRC) | 7 | 0 | 7 |
| CUMBERLAND FCI | 45 | 12 | 5 |
| DANBURY FCI | 825 | 0 | 96 |
| DEVENS FMC | 926 | 0 | 54 |
| DIERSEN - NASHVILLE (RRC) | 0 | 1 | 0 |
| DISMAS CCC (RRC) | 3 | 1 | 3 |
| DISMAS CHARITIES ALBUQUERQUE (RRC) | 57 | 10 | 57 |
| DISMAS CHARITIES COMM.CORR.CTR (RRC) | 4 | 0 | 4 |
| DISMAS CHARITIES INC (RRC) | 1 | 0 | 1 |
| DISMAS CHARITIES OF ORLANDO (RRC) | 1 | 0 | 0 |
| DISMAS CORPUS CHRISTI (RRC) | 14 | 0 | 14 |
| DISMAS HOUSE CHARITIES INC. (RRC) | 2 | 0 | 2 |
| DISMAS HOUSE OF ST. LOUIS (RRC) | 2 | 0 | 2 |
| DISMAS LAREDO (RRC) | 2 | 0 | 2 |
| DISMAS OF LEXINGTON (RRC) | 1 | 0 | 1 |
| DISMAS OF MANCHESTER (RRC) | 3 | 0 | 3 |
| DRC DAY REPORTING CENTER - GEO (RRC) | 1 | 1 | 1 |
| DUBLIN FCI | 28 | 40 | 0 |
| DULUTH FPC | 28 | 7 | 4 |
| EDGEFIELD FCI | 66 | 24 | 0 |
| EL RENO FCI | 139 | 9 | 3 |
| ELKTON FCI | 2239 | 6 | 708 |
| ENGLEWOOD FCI | 62 | 11 | 5 |
| ESTILL FCI | 0 | 10 | 0 |
| FAIRTON FCI | 465 | 377 | 102 |
| FLORENCE ADMAX USP | 3 | 0 | 0 |
| FLORENCE - HIGH USP | 28 | 11 | 0 |
| FLORENCE FCI | 52 | 26 | 0 |
| FORREST CITY LOW FCI | 1726 | 2 | 680 |
| FORREST CITY MEDIUM FCI | 36 | 2 | 5 |
| FORT DIX FCI | 213 | 5 | 43 |
| FORT WORTH FMC | 816 | 46 | 601 |
| GEO CARE (RRC) | 15 | 0 | 15 |
| GEO PHILADELPHIA RRC (RRC) | 2 | 0 | 2 |
| GEO REENTRY INC. (RRC) | 60 | 0 | 60 |
| GILMER FCI | 102 | 8 | 2 |
| GREENVILLE FCI | 108 | 9 | 1 |
| GUAYNABO MDC | 67 | 10 | 0 |
| HAMPSHIRE HOUSE (RRC) | 20 | 0 | 20 |
| HAZELTON FCI | 16 | 0 | 0 |
| HAZELTON USP | 42 | 8 | 0 |
| HERLONG FCI | 75 | 0 | 0 |
| HILLSBOROUGH CO. RRC TAMPAFL (RRC) | 7 | 0 | 7 |

(Ex B)

The alarming rise in the number of COVID-19 cases in the BOP shows the danger all inmates face from the virus. The chart below shows the exponential growth in COVID-19 cases in the BOP to date. The BOP rate of growth dwarfs our national figures as demonstrated below, and reveals a very practical inability to contain the virus in BOP facilities.

| Date | / | # of BOP | / | BOP Rate | / | Cumulative BOP Rate | / | # of National | / | U.S. Rate | / | Cumulative U.S. Rate |
|-----------|-------|----------|---------|----------|---------------|---------------------|-------|---------------|------|-----------|---------------|----------------------|
| / | Cases | / | of Rise | / | of Rise since | / | Cases | / | Rise | / | of Rise Since | 3/20/2020 |
| / | / | / | / | / | 3/20/2020 | / | / | / | / | / | / | / |
| 3/20/2020 | / | 2 | / | 0.00% | / | 0.00% | / | 18,747 | / | 0.00% | / | 0.00% |
| 3/23/2020 | / | 6 | / | 200.00% | / | 200.00% | / | 44,183 | / | 135.68% | / | 135.68% |
| 3/26/2020 | / | 18 | / | 200.00% | / | 400.00% | / | 85,356 | / | 93.19% | / | 228.87% |
| 3/29/2020 | / | 38 | / | 111.11% | / | 511.11% | / | 140,904 | / | 65.08% | / | 293.95% |
| 4/1/2020 | / | 94 | / | 147.37% | / | 658.48% | / | 213,144 | / | 51.27% | / | 345.21% |
| 4/4/2020 | / | 174 | / | 85.11% | / | 743.59% | / | 304,826 | / | 43.01% | / | 388.23% |
| 4/7/2020 | / | 313 | / | 79.89% | / | 823.47% | / | 395,011 | / | 29.59% | / | 417.81% |
| 4/10/2020 | / | 481 | / | 53.67% | / | 877.15% | / | 492,416 | / | 24.66% | / | 442.47% |
| 4/13/2020 | / | 589 | / | 22.45% | / | 899.60% | / | 579,005 | / | 17.58% | / | 460.06% |
| 4/16/2020 | / | 752 | / | 27.67% | / | 927.27% | / | 661,712 | / | 14.28% | / | 474.34% |
| 4/19/2020 | / | 804 | / | 6.91% | / | 934.19% | / | 746,625 | / | 12.83% | / | 487.17% |
| 4/22/2020 | / | 977 | / | 21.52% | / | 955.70% | / | 828,441 | / | 10.96% | / | 498.13% |
| 4/25/2020 | / | 1,047 | / | 7.16% | / | 962.87% | / | 928,619 | / | 12.09% | / | 510.23% |
| 4/28/2020 | / | 1,649 | / | 57.50% | / | 1,020.37% | / | 981,246 | / | 5.67% | / | 515.89% |
| 5/1/2020 | / | 2,185 | / | 32.50% | / | 1,052.87% | / | 1,062,446 | / | 8.28% | / | 524.17% |
| 5/4/2020 | / | 2,340 | / | 7.09% | / | 1,059.97% | / | 1,152,372 | / | 8.46% | / | 532.63% |
| 5/7/2020 | / | 2,890 | / | 23.50% | / | 1,083.47% | / | 1,219,066 | / | 5.79% | / | 538.42% |
| 5/10/2020 | / | 3,319 | / | 14.84% | / | 1,098.31% | / | 1,300,696 | / | 6.70% | / | 545.12% |

1) - National numbers collected by Federal Defenders of New York and posted at: <https://federaldefendersny.org>
Additional numbers provided by <https://cdc.gov/coronavirus/2019>

Case 1:17-cr-00160-WCG Filed 07/09/20 Page 3 of 6 Document 168-1

This chart produced with a 1984 IBM Wheelwriter 2500 TYPEWRITER, courtesy of the high-tech equipment available in the BOP.



Connected for Life

Information Pertaining to the Detention Setting

People detained in crowded locked facilities *are* at significantly elevated risk of contracting infectious diseases like COVID-19 because of the close confines in which they live. The scientific evidence available demonstrates that COVID-19 is highly contagious.

Based on medical expert guidance, governments are taking aggressive steps to minimize people congregating in crowded spaces, in an effort to reduce transmission of this dangerous virus. Some jurisdictions have issued "shelter in place" orders for residents, directing them to limit their contact with others except for the most essential of purposes.

Detention facilities frequently lack the health care resources, space, and staffing to care for people who are acutely ill. This is of heightened concern during these times of a dangerous pandemic. When a high number of detained people take ill, the number of people requiring acute care can quickly overwhelm on-site medical resources, with outside facilities increasingly pressed to their limits.

Because people with diabetes face a significant and higher-than-average risk of getting *seriously* ill if infected with the COVID-19 virus, up to and including the risk of death, criminal and civil detention facilities (prisons, jails, juvenile facilities, immigration detention centers, psychiatric institutions, etc.) should take aggressive steps to protect both the health of these individuals and larger public health interests in our communities.

Local officials should explore all possible strategies to release people with diabetes and other serious risk factors related to COVID-19, and to reduce the level of crowding in detention facilities. Medical furloughs, compassionate release, and pretrial or early release for those most vulnerable to the virus are among options to be considered.

People in detention also need to be provided with ready access to warm or hot water, soap and sanitizer, and adequate hygiene and cleaning supplies both for handwashing and for cleaning their living area.

People in detention should also be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent practicable. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science. Education should be reiterated upon release to best inform individuals on how to prepare for a healthy return to the public.

2451 Crystal Drive
Suite 900
Arlington, VA 22202

1-800-DIABETES (342-2383)

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DESTROY IN 30 DAYS / 7-1-2020



Connected for Life

Conclusion

Thank you for considering this information as you work to ensure that detainees with diabetes are safe during a difficult time for all. For more information on this topic, the ADA has additional resources here: <https://www.diabetes.org/diabetes/treatment-care/planning-sick-days/coronavirus> and here: https://care.diabetesjournals.org/content/37/Supplement_1/S104.

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JUDGE GRANTS COMPASSIONATE RELEASE TO ONETIME OUTFIT ENFORCER

BY JON SEIDEL, FEDERAL COURTS REPORTER
jseidel@suntimes.com | @SeidelContent

Federal judges have described onetime Chicago Outfit enforcer Mario Rainone as an "urban terrorist" and "a vicious person having little or no regard for human life."

But Monday, more than eight years before he was due out of prison, U.S. District Judge Harry Leinenweber granted compassionate release to the now-65-year-old Rainone amid the coronavirus pandemic, finding it "unlikely that Rainone will pose a danger to his community."

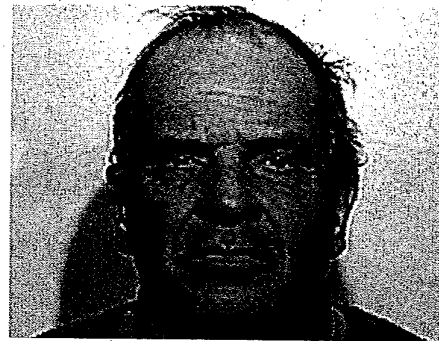
In an eight-page order, Leinenweber reduced Rainone's 15-year prison sentence to time served and ordered his immediate release. Prison records show Rainone has most recently been held at a medical center in Minnesota, and he was not due to go free until 2028.

"The court is optimistic that Rainone understands that given his long criminal history and his advancing age, he is likely to spend the rest of his natural life imprisoned if he breaks the law again," Leinenweber wrote.

Federal prosecutors objected to Rainone's release, calling him "street muscle" for the Outfit whose specialty lay in "extorting and terrorizing innocent members of the public." Once, when trying to shake down an elderly restaurant owner for \$200,000, they said he threatened to cut off the heads of the restaurant owner and his children and put them on a pole.

Rainone's attorneys, Joseph and Lisa Lopez, wrote last month that, "Mr. Rainone poses no danger to any person or to his community. Between his cataracts, use of an inhaler, kidney disease, prostate and skin cancers, he is no longer the Mario Rainone of the past. Instead, he is an ailing senior citizen with a myriad of medical issues."

Reached after Leinenweber handed down his ruling Monday, Joseph Lopez said prosecutors "came at [Rainone] with every weapon that they had to demonize him, to blacken his eyes and to scare the judge, and it didn't work. The judge followed the law and did the



Attorneys for Mario Rainone (shown in a 2009 photo) say "he is an ailing senior citizen with a myriad of medical issues." SUN-TIMES FILE

right thing."

U.S. District Judge James Alesia gave Rainone more than 17 years in prison back in 1992, labeling him an "urban terrorist" while sending him away for racketeering and extortion. But prosecutors say Rainone left prison in 2006 and was not allowed to have a firearm. Then, in 2009, authorities found a stolen Smith & Wesson revolver during a search of his home.

Leinenweber gave Rainone a mandatory minimum 15-year sentence for illegal possession of a firearm, records show.

In seeking his release last month, Joseph and Lisa Lopez told the judge that Rainone "suffers from a multitude of health problems which include skin cancer, cataracts, liver disease, prostate cancer, heart and breathing problems." They said COVID-19 posed a deadly risk.

However, Assistant U.S. Attorney Amarjeet Bhachu said Rainone's prostate cancer had been successfully treated seven years earlier, and he accused Rainone of misleading the judge.

Leinenweber wrote Monday that Rainone's "ailments will get worse as time goes on, and if he is infected with COVID-19, his advanced age makes it more likely that he will experience major complications."